

REMARKS

Claims 1-47 are pending, with claims 1, 19, 37, 42, 44 and 46 being independent. Claims 19-36 and 44-45 have been amended. No new matter has been added. Reconsideration and allowance of the above-referenced application are respectfully requested.

Claims 1-18, 37-43, 46 and 47 are allowed. This indication of allowable subject matter is acknowledged and appreciated.

Claims 19-36 and 44-45 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Without conceding the propriety of the rejection, claims 19-36 and 44-45 have been amended to clarify that the claimed subject is directed to a storage device having a software product tangibly embodied therein. Newly assigned Examiner Guertin, and his supervisor, are thanked for the telephone interview, which was conducted with Mr. Hunter on May 5, 2008. During the interview, Mr. Hunter pointed out that one of ordinary skill in the art would not agree with the Office's assertion that, "A signal is a medium, thus, a machine-readable medium may include a signal." (*See* 04-08-2008 Advisory Action.) Agreement was not reached on this point.

Examiner Guertin suggested replacing "machine-readable medium" with "storage device" since both Examiner Guertin, and his supervisor, agreed that this would resolve the issue, that this amendment would be entered, and that in light of such an amendment, the rejection based on 35 U.S.C. § 101 would be withdrawn. As described in the present specification:

Storage devices suitable for tangibly embodying software program instructions and data include all forms of non-volatile memory, including by way of example semiconductor memory devices, such as EPROM (electrically programmable

read-only memory), EEPROM (electrically erasable programmable read-only memory), and flash memory devices; magnetic disks such as internal hard disks and removable disks; magneto-optical disks; and optical disks, such as CD-ROM disks.

(See Specification at paragraph 78.) Thus, as agreed during the telephone interview, and in view of the present clarifying amendment, withdrawal of the rejection of claims 19-36 and 44-45 under 35 U.S.C. § 101 is respectfully requested.

The foregoing comments made with respect to the positions taken by the Examiner are not to be construed as acquiescence with other positions of the Examiner that have not been explicitly contested. Accordingly, the above arguments for patentability of a claim should not be construed as implying that there are not other valid reasons for patentability of that claim or other claims.

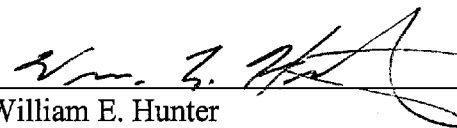
A formal notice of allowance is respectfully requested. In the absence of such, a telephone interview with the Examiner and the Examiner's supervisor is respectfully requested to discuss any remaining issues.

Please apply the one month extension of time fee, and any other necessary charges or credits, to deposit account 06-1050.

Respectfully submitted,

Date:

May 8, 2008

  
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William E. Hunter  
Reg. No. 47,671

Fish & Richardson P.C.  
**PTO Customer No. 21876**  
Telephone: (858) 678-5070  
Facsimile: (858) 678-5099